IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6894 OF 2005

1. Suresh Chindhaji Ahire.
2. 2. Shakuntala Chindhaji Ahire.
3. Chindhaji Ganpat Ahire. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri Rajiv Patil for the Applicant.

Shri R.M.Gadkari, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 21st October, 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State. Offence has been registered under sections 498(A), 354, 406, 504 read with section 34 of the Indian Penal Code. The learned Advocate for the Applicant submitted that for the offence in question which had taken place from December 2004 to January 2005, F.I.R. has been lodged in September 2005. He submitted that this itself shows the falsity of the allegations of the Complainant. He submitted that it is, therefore, obvious that the custodial interrogation of the Applicant is not required. The learned A.P.P. has placed for my perusal relevant statements of the witnesses which are recorded and the other material collected during the investigation. Considering the statements of the witnesses at this stage, it cannot be said that the

delay is fatal to the prosecution. There are specific allegations against the Applicants Nos.1 and 3 which are of very serious nature requiring custodial interrogation. So far as the Applicant No.2 is concerned, there are general allegations against her. The Applicant No.2 is 55 years old woman. The Applicant No.2 is entitled to pre-arrest bail. So far Applicants Nos.1 and 3 are concerned, no case is made out for grant of anticipatory bail.

2. Hence the following order is passed:

(i) The Application of the Applicants Nos.1 and 3 is rejected.

(ii) In the event of the arrest of the Applicant No.2 in connection with C.R.No.I-90 of 2005 registered with Vithalwadi Police Station, the Applicant shall be enlarged on bail subject to furnishing P.R.Bond in the sum of Rs.5000/- with one or two sureties in the like amount.

(iii) The Bail is granted subject to condition that the Applicant No.2 will attend the concerned Police Station as and when called upon to do so.

(iv) The Bail is granted subject to condition that the Applicant No.2 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against her so as to dissuade him from disclosing such facts to the Court or to the Police Officer/ Investigating Agency. The Applicant No.2 shall not tamper with the prosecution evidence.

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(vi) This order will enure to the benefit of the Applicant No.2 only till charge sheet is filed. Thereafter she will be free to apply to the appropriate Court for appropriate relief.

(vii) Application is disposed of in above terms.

(viii) The parties to act upon an authenticated copy of this order.

Judge.